

Los Alamos National Laboratory — Supplemental Instructions

Section: 47 **Transportation**

Subject: 47.2 **Imports and Exports**

PURPOSE:	This Supplemental Instruction (SI) defines the requirements for importing and exporting technical data, software, or commodities.
POLICY:	The Laboratory will adhere to all U.S. import and export control laws and regulations.
SCOPE:	This SI applies to the import or export of all technical data, software, and commodities.
DEFINITIONS:	
Export	Export is the transfer of commodities, software, or technical data from the United States. Transfer occurs via mail; shipment; hand-carry; telephone; telex; electronic mail; facsimile; release of technical data into the public domain in the form of public speeches, published articles, lectures, marketing brochures, etc.; or any other means.
Export Office	The Export Office in BUS-6 is the Laboratory organization responsible for ensuring compliance with U.S. export and import control laws and regulations.
Import	Import means to bring into the U.S. commodities, technical data, software, etc., from a foreign source.
In-Bond	In-bond is a term applied to the status of commodities admitted provisionally to a country without payment of duties. The merchandise is either stored in a bonded warehouse or prepared for transshipment to another point where duties will eventually be imposed.
Technical Data	Technical data is information of any kind that can be used or adapted for use in the design, production, manufacture, utilization, or reconstruction of articles or materials.
Temporary Import Bond (TIB)	A TIB is a one-year bond set up through the Laboratory's Customs Office for the purpose of importing a commodity for testing, experimentation, and/or other purposes approved by U.S. Customs. The TIB allows the commodity to enter the U.S. duty free for a period of one year.
PROCEDURES:	
Exports	The Customs Office licenses all commodities to be exported. Technical data, software, or commodities to be exported must be licensed by the requester.

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PROCEDURES: (cont.)

The Customs Office acts as a customs broker for the Laboratory for the purpose of clearing imports through U.S. Customs.

Import Duty — Unless otherwise specified in the subcontract, the Laboratory is responsible for import duties and processing fees on commodities manufactured outside the U.S. The Customs Office should be contacted for an estimate of those duties and fees.

Duty-Free Imports — The Customs Office can apply to the U.S. Treasury Department for duty-free import of an item that is

- Not for distribution, sale, or commercial use within five years from entry into the U.S.;
- Not manufactured in the U.S.;
- An instrument that by itself can perform a function without additional equipment.;
- To be used in the interest of peace; and
- To be used exclusively by the Laboratory.

On all imports meeting the above criteria, a copy of the subcontract; single-source justification, if applicable; solicitation; catalogs or literature about the commodity; and all other correspondence between the foreign manufacturer and the Laboratory must be provided to the Customs Office.

Temporary Import Bond — To qualify for a TIB, a commodity must be

- In the U.S. less than one year (this period may be extended twice for a total of three years) and
- Exported from the U.S. or disposed of under the supervision of U.S. Customs.

If the above conditions are not met, the requester is liable for an amount equal to at least two times the duty that would have been paid at the time of import.

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PROCEDURES: (cont.)

Lower-Tier Subcontracts

The Customs Office must be contacted for information on imports or exports involving lower-tier subcontractors.

Fines and Penalties for Noncompliance

Any attempt by an employee to circumvent compliance with import and export control laws and regulations may lead to disciplinary action, up to and including termination. Criminal sanctions of up to \$1 million, as well as civil penalties and administrative sanctions, may be imposed, including the seizure of Laboratory equipment or technical data.

RESPONSIBILITIES:

Procurement Specialist

The procurement specialist must

- Coordinate any imports or exports of commodities, software, or technical data through the Customs Office and
- Provide the necessary documentation to apply for duty-free import to the Customs Office.

Requester

The requester must

- License all commodities to be exported through the Customs Office and
- Ensure that the conditions applicable to temporary import bonds are met.